

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NOEL MATOS MONTALVO,

Petitioner,

V.

JEFFREY BEARD, Commissioner,
Pennsylvania Department of
Corrections; LOUIS B. FOLINO,
Superintendent of the State
Correctional Institution at Greene; and
MARIROSA LAMAS, Superintendent
of the State Correctional Institution at
Rockview,

Respondents.

CIVIL ACTION

No. 3:09-CV-00783
(Hon. Christopher C. Conner)

THIS IS A CAPITAL CASE

JOINT MOTION TO CLOSE HABEAS PROCEEDINGS

The parties, by undersigned counsel, hereby jointly state as follows:

1. On February 11, 2019, the Honorable Michael E. Bortner of the York County Court of Common Pleas issued an opinion on Mr. Montalvo's petition for post-conviction relief, granting a new trial on one issue and sentencing relief on three issues while denying all remaining claims.

2. On January 20, 2021, after the completion of briefing, the Pennsylvania Supreme Court affirmed the lower court's grant of relief to Mr. Montalvo.

3. The deadline for filing a writ of certiorari to the United States

Supreme Court has expired.

4. On April 19, 2022, Richard Robinson, Esquire, was appointed to represent Mr. Montalvo on his retrial.

5. The parties move to withdraw all claims for relief, allow counsel for Petitioner to withdraw, and close these habeas proceedings.

Respectfully Submitted,

s/ BETH ANN MUHLHAUSER
Beth Ann Muhlhauser, Esquire
Attorney ID PA 74181
Federal Public Defender's Office
Capital Habeas Unit
100 Chestnut Street, Third Floor
Harrisburg, PA 17101
(717) 782-3843
(Beth_Muhlhauser@fd.org)

s/JENNIFER A. BUCK
Office of the Attorney General
Attorney ID PA 84357
State of Pennsylvania
16th Floor – Strawberry Square
Capital Litigation Unit
Harrisburg, PA 17120
(717) 783-0158
(jbuck@attorneygeneral.gov)

Marshall Dayan, Esquire
Attorney ID PA 207908
Federal Public Defender's Office
Capital Habeas Unit
1001 Liberty Avenue, Suite 1500
Pittsburgh, PA 15222
(412) 644-6565
(Marshall_Dayan@fd.org)

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